

AMENDED IN SENATE AUGUST 15, 2006

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN SENATE JUNE 21, 2006

AMENDED IN ASSEMBLY APRIL 3, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

**No. 2399**

### **Introduced by Assembly Member Garcia**

(Principal coauthor: Senator Battin)

(Coauthors: Assembly Members Baca, Benoit, Bermudez, Bogh, Chavez, Coto, Haynes, McCarthy, Mountjoy, Negrete McLeod, Oropeza, Plescia, and Sharon Runner)

(Coauthors: Senators Aanestad, Dutton, Harman, McClintock, Maldonado, Morrow, Perata, Runner, Soto, and Vincent)

February 23, 2006

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~~An act to add and repeal Chapter 8.3 (commencing with Section 8715) of Division 1 of Title 2 of the Government Code, relating to economic development. An act to add Section 12012.46 to the Government Code, relating to tribal gaming.~~

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2399, as amended, Garcia. ~~California and Mexico border infrastructure. Tribal-state gaming compacts.~~

*Existing federal law, the Indian Gaming Regulatory Act, provides for the negotiation and execution of tribal-state gaming compacts for the purpose of authorizing certain types of gaming on Indian lands within a state. Existing law expressly ratifies a number of tribal-state*

*gaming compacts, and amendments of tribal-state gaming compacts, between the State of California and specified Indian tribes.*

*This bill would ratify an amendment to a tribal-state gaming compact entered into between the State of California and the Agua Caliente Band of Cahuilla Indians, executed on August 8, 2006. The bill would require that related revenue contributions be deposited into the General Fund and would also specify that, in deference to tribal sovereignty, certain actions may not be deemed projects for purposes of the California Environmental Quality Act. The bill would also make related changes.*

~~Existing law charges the Secretary of Business, Transportation and Housing with the responsibility of developing and reporting to the Governor on legislative, budgetary, and administrative programs that accomplish comprehensive, long-range, coordinated planning and policy formulation on matters of public interest related to the Business, Transportation and Housing Agency.~~

~~This bill would require the secretary, by January 1, 2009, to prepare and provide to the Legislature, a study on the infrastructure development along the border between the state and Mexico and any need for alternative financing mechanisms suited to the challenges of the border region, as specified. The requirement would be repealed on January 1, 2009.~~

~~The bill would make legislative findings and declarations regarding the need for this study and report.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 12012.46 is added to the Government
- 2     Code, to read:
- 3     12012.46. (a) The amendment to the tribal-state gaming
- 4     compact entered into in accordance with the Indian Gaming
- 5     Regulatory Act of 1988 (18 U.S.C. Sec. 1166 to 1168, incl., and
- 6     25 U.S.C. Sec. 2701 et seq.) between the State of California and
- 7     the Agua Caliente Band of Cahuilla Indians, executed on August
- 8     8, 2006, is hereby ratified.
- 9     (b) (1) In deference to tribal sovereignty, none of the following
- 10    shall be deemed a project for purposes of the California

1 *Environmental Quality Act (Division 13 (commencing with*  
2 *Section 21000) of the Public Resources Code):*

3 *(A) The execution of an amendment of a tribal-state gaming*  
4 *compact ratified by this section.*

5 *(B) The execution of a tribal-state gaming compact ratified by*  
6 *this section.*

7 *(C) The execution of an intergovernmental agreement between*  
8 *a tribe and a county or city government negotiated pursuant to*  
9 *the express authority of, or as expressly referenced in, a*  
10 *tribal-state gaming compact or an amended tribal-state gaming*  
11 *compact ratified by this section.*

12 *(D) The execution of an intergovernmental agreement between*  
13 *a tribe and the California Department of Transportation*  
14 *negotiated pursuant to the express authority of, or as expressly*  
15 *referenced in, a tribal-state gaming compact or an amended*  
16 *tribal-state gaming compact ratified by this section.*

17 *(E) The on-reservation impacts of compliance with the terms*  
18 *of a tribal-state gaming compact or an amended tribal-state*  
19 *gaming compact ratified by this section.*

20 *(F) The sale of compact assets, as defined in subdivision (a) of*  
21 *Section 63048.6, or the creation of the special purpose trust*  
22 *established pursuant to Section 63048.65.*

23 *(2) Except as expressly provided herein, nothing in this*  
24 *subdivision shall be construed to exempt a city, county, a city and*  
25 *county, or the California Department of Transportation from the*  
26 *requirements of the California Environmental Quality Act.*

27 *(c) Revenue contributions made to the state by tribes pursuant*  
28 *to the tribal-state gaming compacts and amendments of*  
29 *tribal-state gaming compacts ratified by this section shall be*  
30 *deposited in the General Fund.*

31 ~~SECTION 1. The Legislature finds and declares all of the~~  
32 ~~following:~~

33 ~~(a) According to findings by the Southwest Center for~~  
34 ~~Environmental Research and Policy, the population of 25 United~~  
35 ~~States counties and 35 Mexican municipalities along the Mexican~~  
36 ~~border is expected to double by the year 2020, reaching 24~~  
37 ~~million residents. These population trends will lead to escalating~~  
38 ~~infrastructure deficits for border communities, including, but not~~  
39 ~~limited to, highway, airport and port facilities, railways, and~~  
40 ~~environmental, water, and energy needs that must be addressed to~~

1 ensure economic competitiveness and quality of life for border  
2 residents.

3 (b) Significant opportunities exist for California firms in trade  
4 with Mexico, as evidenced by both of the following:

5 (1) Trade statistics show exports to Mexico of goods  
6 originating in California grew an average of 12.8 percent  
7 annually between 1988 and 2002, due in part to the North  
8 American Free Trade Agreement (NAFTA). California exports to  
9 Mexico directly and indirectly support more than 200,000  
10 California jobs.

11 (2) Manufacturing growth among maquiladora operations in  
12 Mexico grew from 370,000 in 1988 to 1.1 million in 2004.  
13 Significant trade opportunities exist for California firms to  
14 become suppliers to those border industrial complexes.

15 (c) State government support to promote associations and  
16 strategic alliances among California, and Mexican business  
17 partners would facilitate these trade linkages.

18 SEC. 2. Chapter 8.3 (commencing with Section 8710) is  
19 added to Division 1 of Title 2 of the Government Code, to read:

20  
21 CHAPTER 8.3. CALIFORNIA AND MEXICO BORDER ECONOMIC  
22 INFRASTRUCTURE FINANCING STUDY  
23

24 8715.—(a) The Secretary of Business, Transportation and  
25 Housing shall prepare and provide to the Legislature, by January  
26 1, 2009, a study regarding infrastructure development along the  
27 border between the state and Mexico and any need for alternative  
28 financing mechanisms suited to the challenges of the border  
29 region. The study shall be prepared within existing resources of  
30 the agency.

31 (b) The study shall include, but not be limited to, all of the  
32 following:

33 (1) An examination of the financial, geographic, and political  
34 challenges to infrastructure development along the border  
35 between the state and Mexico.

36 (2) An examination of the state's ability to develop  
37 infrastructure projects along the border between the state and  
38 Mexico.

39 (3) Identification of the necessary level of interaction between  
40 the appropriate local, state, federal, and Mexican agencies in

1 ~~infrastructure development along the border between the state~~  
2 ~~and Mexico.~~

3 ~~(4) Identification of current and potential state, federal, or~~  
4 ~~Mexican revenue sources and financing mechanisms for~~  
5 ~~infrastructure development along the border between the state~~  
6 ~~and Mexico.~~

7 ~~(5) Identification of the extent to which current state, federal,~~  
8 ~~or Mexican revenue sources and financing mechanisms for~~  
9 ~~infrastructure development are being utilized along the border~~  
10 ~~between the state and Mexico.~~

11 ~~(6) Identification of any deficiencies or gaps in the available~~  
12 ~~financing mechanisms for infrastructure development along the~~  
13 ~~border between the state and Mexico.~~

14 ~~(7) Identification of possible infrastructure development~~  
15 ~~projects along the border between the state and Mexico and an~~  
16 ~~analysis of the need for each project.~~

17 ~~8716.—This chapter shall remain in effect only until January~~  
18 ~~1, 2009, and as of that date is repealed, unless a later enacted~~  
19 ~~statute, that is enacted before January 1, 2009, deletes or extends~~  
20 ~~that date.~~

21  
22  
23 **CORRECTIONS:**

24 **Heading — Coauthors.**  
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